

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1-16 are all the claims pending in the application. Applicant submits the pending claims define patentable subject matter.

***Claim Rejections - 35 U.S.C. § 102***

Claims 1, 5 and 9 are rejected under 35 U.S.C. § 102(e) as being anticipated by Loui et al. (U.S. Publication No. 2003/0072486; hereinafter "Loui"). Applicant respectfully traverses this rejection.

In the amendment filed January 30, 2007, Applicant noted Loui discloses an albuming method with an automatic page layout of a plurality of received images based on a boundary condition of an event,<sup>1</sup> and that Loui fails to teach or suggest editing the images laid out into the page format. However, in response, the Examiner maintains his position that Loui discloses all the claimed features of the present invention. Specifically, the Examiner asserts the "albuming algorithm"<sup>2</sup> in Loui "would act as the editing section to arrange or rearrange the layout of the images[.]"

However, independent claim 1 requires, *inter alia*,

a data obtaining section for sequentially obtaining a plurality of image data representative of a plurality of images;  
a data editing section for performing a layout processing that images represented by the image data sequentially obtained by

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<sup>1</sup> See Loui, Abstract.

<sup>2</sup> See Loui, paragraph [0052].

said data obtaining section are disposed in order of obtaining of the image data by a number permitted in arrangement as many as possible on a maximum size of sheet of a plurality of predetermined sizes of sheets, and editing image data representative of images disposed by the number permitted in arrangement as many as possible on the maximum size of one sheet onto image data representative of whole images to be recorded on the one sheet[.]

In other words, the image data is sequentially obtained, and in the performing of the layout processing, the images are disposed in order of obtaining of the image data.

Loui, on the other hand, merely discloses an “albuming algorithm” which lays out pictures according to an event and/or sub-event boundary.<sup>3</sup> The pictures, however, are not necessarily disposed in the order they are sequentially obtained. On the contrary, the images are specifically arranged according to the event and sub-event boundaries.<sup>4</sup> Thus, Loui does not disclose or suggest performing layout processing, such that images are disposed in the order of obtaining the image data, where the image data has been sequentially obtained.

Furthermore, independent claim 1 also recites:

a sheet selection section for automatically selecting from among the plurality of predetermined sizes of sheets a minimum size of sheet capable of recording the whole images represented by image data edited by said data editing section[.]

Thus, independent claim 1 describes a sheet selection section which selects, from a plurality of sizes of sheets, a minimum size of sheet capable of recording the whole images represented by

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<sup>3</sup> See Loui, Abstract, paragraph [0052], lines 1-4, and FIGS. 2, 3 and 6 (operation S122).

<sup>4</sup> See Loui, Abstract, and FIGS. 1, 2, 4 and 6.

image data edited by said data editing section. Applicant submits Loui does not disclose this unique feature of the claimed invention.

Loui, by contrast, discloses receiving a plurality of images with metadata and event information, and then simply laying out the images “into a page format adapted to the event boundary determined for that event.”<sup>5</sup> In particular, FIG. 6 of Loui shows the overall workflow of the disclosed albuming method. In step S122, the placement of pictures on each page is determined.<sup>6</sup> The final step of the method disclosed in Loui occurs in step S124, where the user is simply presented with the image layout performed in step S122.<sup>7</sup> Regarding step S124, Loui discloses that the user previews the layout produced by the application, and the application then allows the user to manipulate the automatically generated album, including adding borders and text.<sup>8</sup> Thus, Loui falls short of disclosing selecting, from a plurality of sheets, a minimum size sheet capable of recording the images, as independent claim 1 sets forth.

Nonetheless, the Examiner contends that Loui discloses this aspect of the claimed invention, and cites FIG. 3, paragraph [0051].<sup>2</sup> However, Applicant submits the cited portions merely support the above-noted operation of Loui. For example, FIG. 3 simply shows laying out a maximum number of images on a single sized page based on a parametric method, which takes

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<sup>5</sup> See Loui, Abstract.

<sup>6</sup> See Loui, FIG. 4 and paragraph [0059].

<sup>7</sup> Id.

<sup>8</sup> Id.

<sup>2</sup> See Office Action, page 3, lines 11-14.

into the types of images, e.g., HDTC, panoramic, etc.<sup>10</sup> Moreover, Applicant notes lines 10-17 of paragraph [0051] states:

Depending on how many pictures should go on a page, the size is explicitly specified if a template is found; otherwise, the parametric algorithm enlarges the pictures as appropriate.

In other words, if a template is found, a size of a page is specified, depending on how many pictures should go on a page. However, simply specifying a page size does not equate to selecting a minimum size of a sheet, as claim 1 sets forth. That is, under Loui, a page size could be specified that is larger than a minimum size that would be needed to accommodate the images.

Further, as noted above, if no template is present, the pictures are automatically enlarged. In that case, the minimum size page would definitely not be selected. Indeed, Applicant submits Loui is completely silent with regard to selecting any sort of minimum size of a page or sheet for recording images.

Accordingly, Applicant submits independent claim 1 is patentable over Loui for at least these reasons. Similarly, Applicant submits independent claims 5 and 9 are patentable over the prior art of record for reasons analogous to those stated above regarding claim 1.

### ***Conclusion***

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the

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<sup>10</sup> See Loui, FIG. 3 and paragraphs [0044] through [0051].

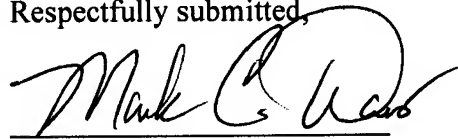
RESPONSE UNDER 37 C.F.R. § 1.116  
Application No.: 10/025,555

Attorney Docket No.: Q67820

Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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